



EXAMINING THE CONSTITUTIONAL AND LEGAL SAFEGUARDS OF MANUAL SCAVENGERS IN INDIA

Ms. Sreeja G

Assistant Professor, Department of History and Political Science, SreeSankara College, Kalady

ABSTRACT

With the rise of urbanization, consumerism, and lifestyle changes, waste production is increasing at an alarming rate. However, the health, safety, and dignity of sanitation workers in the waste management sector remain critically compromised. According to the World Health Organization (WHO), sanitation work includes tasks such as emptying toilets, pits, and septic tanks; entering sewers to fix or unblock them; transporting faecal waste; working in treatment plants; and cleaning public toilets or areas around homes. Sanitation workers provide an essential public service by risking their lives, health, and dignity to ensure others' right to a safe, clean, and healthy environment. Despite their invaluable contributions, their work often goes unseen and unacknowledged.

Sanitation workers, particularly manual scavengers, face greater occupational hazards compared to other workers in the sanitation service chain. They are vulnerable to various challenges, including financial insecurity, social stigma, and discrimination, and are frequently overlooked in government agendas. This paper aims to provide insights into the challenges faced by sanitation workers. Since independence, various laws, policies, and welfare schemes have been enacted by the Indian government and state governments to protect sanitation workers, starting from the Civil Rights Act of 1955 to the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act of 2013. The paper discusses the constitutional and legal safeguards, as well as other welfare schemes and policies, framed by lawmakers for the upliftment and protection of this most disadvantaged section of society. By addressing these issues, the paper highlights the urgent need for effective interventions to improve the living and working conditions of sanitation workers, ensuring their rights and dignity are upheld.

KEYWORDS: Manual Scavengers, Sanitation Workers, Occupational Health Hazards, Stigma and Discrimination, Constitutional Provisions

INTRODUCTION

Manual Scavenging and the Plight of Sanitation Workers in India

Manual scavenging is an inhumane practice that involves the manual handling of human excreta from unsanitary latrines, open drains, sewers, manholes, and septic tanks. Sanitation workers encompass all individuals responsible for cleaning, maintaining, operating, or emptying sanitation technologies at any stage of the sanitation chain. This includes toilet cleaners and caretakers in domestic, public, and institutional settings; those who empty pits and septic tanks; sludge handlers; sewer and manhole cleaners; and workers at sewage and faecal waste treatment and disposal sites (WHO, 2018).

The exact number of sanitation workers in India remains ambiguous due to conflicting data from various sources. A 2018 study by Dalberg Associates estimated approximately 5 million sanitation workers across the country (Dalberg Advisors, 2018). The 2011 Census of India reported 794,390 household-level insanitary latrines cleared by manual scavengers, while the Socio-Economic Caste Census 2011 indicated that 182,505 families are engaged in some form of manual scavenging. Between 2002 and 2003, the Ministry of Social Justice and Empowerment reported nearly 800,000 manual scavengers nationwide. A parliamentary response in July 2019 identified 54,130 manual scavengers engaged in the removal of night

soil from 170 districts across 18 states (Ministry of Social Justice and Empowerment, 2019). This conflicting data points to government negligence in acknowledging the existence of manual scavengers and recognizing their service to society.

Vulnerabilities Faced by Sanitation Workers in India:

Sanitation workers in India face numerous vulnerabilities, including occupational health hazards, social stigma and discrimination, financial insecurity, unsafe working conditions, weak legal protection, lack of health insurance schemes, and job insecurity.

Occupational Health Hazards: Sanitation workers frequently come into direct contact with human waste without adequate protective equipment, exposing them to hazardous gases and biological and chemical agents in septic tanks, sewers, pumping stations, and treatment plants. Inhalation of toxic gases such as ammonia, carbon monoxide, and sulfur dioxide can be fatal (WHO, 2018). It is estimated that one sanitation worker dies unblocking sewers manually every five days in India (BBC, 2018). A 2014 Human Rights Watch report stated that 90% of India's sanitation workers die before reaching retirement age (Barbara Harriss-White). Between 2019 and 2023, at least 377 manual scavengers died from hazardous cleaning, according to government data tabled in Parliament (The Hindu, 2024).

Social Stigma and Discrimination: Beyond occupational health risks, sanitation workers face social stigma and discrimination due to their caste identity and the nature of their work. Historically, people belonging to lower castes were burdened with the menial task of manual scavenging, creating a social stigma. The caste-based division of labor became more rigid during the Gupta period and continued through the Mughal era. The British colonial period further institutionalized the practice by employing Dalits to remove night soil, reinforcing caste-based occupational roles. In September 2024, government data revealed that 92% of sanitation workers belong to Scheduled Caste, Scheduled Tribe, and Other Backward Communities, with 69% from the Scheduled Caste community (Ministry of Social Justice and Empowerment, 2024).

Financial Insecurity: Sanitation workers face significant financial insecurity due to the informal nature of their employment. They predominantly come from the lower-income segment of society and are often poorly and irregularly paid. Permanent sanitation workers receive better wages and benefits, such as provident fund, pension, and medical benefits, compared to contract workers who typically earn only a quarter or half of a permanent worker's salary for the same job. A study by the Dignity Campaign Action for Liberation of Dalit Manual Scavenger Women in India (Jan Sahas, 2013) highlighted that women sanitation workers are often paid less and lack fixed wages in many areas. Most were paid less than 2000 INR per month, and half of the manual scavenging workers' families had no other means of income.

WHO Guidelines on Sanitation and Health (2018)

Sanitation workers, often the most vulnerable and neediest individuals, are frequently the least entitled to social safety. To address this issue, the World Health Organization (WHO) established the "Guidelines on Sanitation and Health" (2018). These guidelines aim to protect and ensure the safety of sanitation workers by recommending safe management practices for sanitation services. Specifically, Recommendation 2 suggests that sanitation workers should be shielded from occupational exposure through adequate health and safety measures. The WHO guidelines emphasize the importance of providing a safe and secure working environment for sanitation service workers, aligning with WHO's definition of health as a state of complete physical, mental, and social well-being, not merely the absence of disease.

ILO Declaration on Fundamental Principles and Rights at Work (1998, Amended 2022)

The International Labour Organization (ILO) Declaration on Fundamental Principles and Rights at Work (1998, amended in 2022) mandates member nations to uphold basic labor rights. These rights include:

- Freedom of association and the effective recognition of the right to collective bargaining.
- The elimination of all forms of forced or compulsory labor.
- The elimination of discrimination in respect of employment and occupation.

ILO Occupational Safety and Health Convention (1981)

Article 3 of the ILO Occupational Safety and Health Convention (1981) expands the definition of health related to work to encompass physical and mental elements that affect safety and hygiene in the workplace. This holistic approach to health ensures that occupational safety extends beyond mere disease prevention to include overall well-being.

Sanitation Workers and the 2030 Development Agenda

Improving the working conditions of sanitation workers directly contributes to four of the 17 Sustainable Development Goals (SDGs):

- SDG 1: End poverty in all its forms everywhere.
- SDG 3: Ensure healthy lives and promote well-being for all at all ages.
- SDG 6: Ensure availability and sustainable management of water and sanitation for all.
- SDG 8: Promote sustained, inclusive, and sustainable economic growth, full and productive employment, and decent work for all.

The SDG framework offers a vital opportunity to improve the situation of sanitation workers by focusing on access to basic services, reducing exposure to unsafe chemicals, and promoting decent work conditions.

Constitutional and Legal Safeguards in India

As a member of the United Nations and other international agencies like WHO and ILO, India is legally bound to implement the recommendations made through various conventions and declarations. The Indian government has enacted laws and programs aimed at the protection and upliftment of sanitation workers.

Constitutional Provisions

The Indian Constitution provides several provisions under the Preamble, Fundamental Rights, and Directive Principles of State Policy (DPSP) to safeguard the basic rights of all citizens, including sanitation workers. The Preamble assures every citizen the right to live with human dignity. Article 14 guarantees equality before the law, and Article 15 prohibits discrimination based on caste, religion, race, sex, or place of birth. Article 17 abolishes untouchability, and Article 21 ensures the right to life and basic liberties, which encompasses the right to a clean, safe, and healthy environment. Additionally, Article 23 abolishes bonded labor, collectively protecting sanitation workers from exploitation.

The DPSP further promotes socio-economic justice by directing the state to:

- Minimize inequalities in status and income.
- Provide adequate means of livelihood for all citizens.
- Ensure equal pay for equal work.
- Guarantee just and humane conditions of work.
- Ensure a living wage and decent working conditions.
- The DPSP also emphasizes the need to protect and promote the educational and economic interests of weaker sections, particularly Scheduled Castes and Scheduled Tribes, shielding them from injustice and exploitation.

Legislative Safeguards for Sanitation Workers in India

In addition to the constitutional provisions, several legislative safeguards exist to protect manual scavengers and sanitation workers from various forms of exploitation. Key legislative acts include:

Protection of Civil Rights Act 1955: Initially known as the Untouchability (Offences) Act 1955, this act was enacted to abolish the practice of untouchability and the social disabilities arising from it against members of Scheduled Castes.

Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989: The primary objective of this act is to prevent atrocities against members of Scheduled Castes (SC) and Scheduled Tribes (ST), provide special courts for the trial of such offences, and ensure relief and rehabilitation for victims. The act was strengthened in 2016 with an amendment making it a punishable offence to employ any person from SC and ST communities for manual scavenging, with imprisonment ranging from six months to five years and fines.

Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act 1993: This act prohibits the employment of manual scavengers and the construction of dry latrines, mandating the construction of water-sealed latrines instead.

National Commission for Safai Karamcharis Act 1993: The act established an autonomous National Commission for Safai Karamcharis to study, evaluate, and monitor the implementation of various schemes for sanitation workers. This welfare legislation is focused on the betterment of sanitation workers.

National Commission for the Scheduled Castes (NCSC): Formed to protect the rights of SC individuals in India, Article 338(5) of the Indian Constitution outlines the duties of the NCSC, including investigating and monitoring safeguards provided for SCs, conducting inquiries on complaints of rights violations, and advising the government on the socio-economic development of SCs.

Prohibition of Employment as Manual Scavengers and their Rehabilitation Act 2013: This act prohibits the employment of manual scavengers for the manual cleaning of sewers and septic tanks without protective equipment and the construction of insanitary latrines. Its primary objective is also to rehabilitate manual scavengers. The act recognizes the link between manual scavenging and weaker sections of society, viewing manual scavenging as a violation of the right to dignity.

These laws collectively aim to eliminate manual scavenging, rehabilitate affected individuals, and safeguard their rights and dignity. For instance, the 2013 act specifically prohibits the employment of individuals as manual scavengers and prescribes stringent penalties for violations (Ministry of Law and Justice, 2013).

CONCLUSION

Despite the presence of constitutional and legal safeguards,

sanitation workers in India frequently suffer due to inadequate legal protections and weak enforcement of existing regulations. The government's efforts to eradicate manual scavenging have largely been unsuccessful, resulting in many individuals continuing to engage in this hazardous work to sustain their livelihoods. Numerous reports and studies indicate that sanitation workers remain vulnerable to exploitation, social stigma, and occupational hazards. This vulnerability stems from the inadequate implementation and enforcement of laws and policies designed to protect them (Ghosh, A., 2020). Therefore, it is imperative that the government and relevant stakeholders strengthen these protections, ensure effective enforcement, and enhance awareness and support mechanisms to safeguard the rights and well-being of sanitation workers.

REFERENCES

1. World Health Organization. (2018). Guidelines on Sanitation and Health.
2. Dalberg Advisors. (2018). Study on Sanitation Workers in India.
3. Ministry of Social Justice and Empowerment. (2019). Parliamentary Report on Manual Scavengers.
4. BBC. (2018). Report on Sanitation Worker Fatalities.
5. Harriss-White, B. (2014). Human Rights Watch Report on Sanitation Workers.
6. The Hindu. (2024). Government Data on Manual Scavenger Deaths.
7. Ministry of Law and Justice. (2013). Prohibition of Employment as Manual Scavengers and their Rehabilitation Act.
8. World Health Organization. (2018). "Health, Safety, and Dignity of Sanitation Workers: An Initial Assessment."
9. To read more https://www.researchgate.net/publication/334675787_Constitutional_Provisions_and_Legal_Safeguards_for_the_Sanitation_and_Allied_Workers_in_India
10. To read more <https://www.ilo.org/media/343176/download>
11. To read more <https://www.who.int/fr/publications/m/item/health-safety-and-dignity-of-sanitation-workers>
12. To read more <https://www.ilo.org/resource/news/new-report-highlights-dire-working-conditions-sanitation-workers-some>
13. To read more <https://www.ilo.org/resource/news/decent-work-sanitation-workers-south-asia-under-spotlight#:~:text=On%2011%2D13%20October%2C%20the,matter%20and%20work%20at%20disposal>
14. To read more <https://haqdarshak.com/2022/02/18/the-reality-of-sanitation-workers-in-india/>
15. To read more <https://law.dypvp.edu.in/blogs/manual-scavengers-the-harsh-reality-and-its-legal-framework-in-india>
16. to read more: <https://cjp.org.in/wp-content/uploads/2020/10/White-Paper-Sanitation-workers.pdf>